



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

RF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,099	12/06/2001	Wataru Sato	2910.0010	5191

5514 7590 11/20/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2828

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/003,099

Applicant(s)

SATO ET AL.

Examin r

Dung (Michael) T Nguy n

Art Unit

2828

-- Th MAILING DATE of this communication app ars on th cov r sh t with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 10,11,24,25,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9,12-23,26-29 and 32-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, 12-23, 26-29, and 32-36 are drawn to a laser device comprising a light source, a lens, and a holder, classified in class 372, subclass 107.
- II. Claims 10-11, 24-25, and 30-31 are drawn to a laser scanning device/ an image forming apparatus comprising a photosensitive member, a laser device, deflecting means, and imaging, classified in class 347, subclass 238.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Election/Restrictions

Applicant's election with traverse of claims 1-9, 12-23, 26-29, and 32-36, drawn to a laser device, in Paper No. 5 is acknowledged.

The traversal is on the ground(s) that a laser device and a laser scanning device/an image forming apparatus are related inventions. This is not found persuasive because the fields of search for a laser device, which is classified in class 372, and a laser scanning device/an image forming apparatus, which is classified in class 347, are not coextensive and the

Art Unit: 2828

determinations of patentability of laser device claims and laser scanning device and image forming apparatus claims are different. Also, the strategies for doing text searching of laser device claims and laser scanning device/image forming apparatus claims are different. Thus, separate searches are required.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

Figures 21-22 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-9 and 12-18 are rejected under 35 U.S.C. 102(a) as being anticipated by over Naoe et al. (US5997153).

With respect to claims 1-4, 9, 18, and 12-15, Naoe show in Fig.14 a light source 12, a collimator lens 19, a holder having a tubular portion for holding the light source 12 and the lens

Art Unit: 2828

19, wherein the internal surface of the tubular portion has a recess 20 in which the lens held penetrating the tubular portion from inside to outside.

With respect to claims 5-6, Naoe show in Fig.14 the recess is space provided for supporting the lens 19 and the tubular portion has a fixing part to fix the lens 19.

With respect to claims 7-8 and 16-17, Naoe show in Fig.14 the lens is fixed to the holder by an adhesive²¹ in the fixing part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-23, 26-29, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoe et al. (US5997153) in view of Murakami et al. (US5781351).

With respect to claims 19, 21-23, 26, 28-29, 32-33, and 35-36, Naoe et al. (US5997153) show in Fig.14 a light source 12, a collimator lens 19, a holder having a tubular portion for holding the light source 12 and the lens 19. Naoe do not disclose the first and second recessed portions in the tubular portion. Murakami teach in Fig.20 a first recessed portion 340 and a

Art Unit: 2828

second recessed portion 311, which is shorter than the first recessed portion 340, for pouring an adhesive into the part between the lens and the tubular portion. For the benefit of a lens holder, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Naoe first and second recessed portions as taught by Murakami.

With respect to claims 20, 27, and 34, Murakami show in Fig.20 first and second recessed portions are penetrating from inside to outside.

Citation of The Pertinent References

The following US patents are being made of record, even though they were not relied upon in this Office action, for being similar in subject matter, and may be relied upon in any future Office Actions: 4702576, 4972258, 4762395, 5555232, 7147817, 6188528, 2002/0036839, 6404723, and 6472651.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-7159. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5511 for regular communications and (703) 306-5511 for After Final communications.

Application/Control Number: 10/003,099

Page 6

Art Unit: 2828

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.



Nguyen (Michael) Dung



PAUL IP
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800